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FEDERAL BUREAU OF INVESTIGATION
POLICY DIRECTIVE

0465D

1. Policy Directive Title.	FBI Recreational Association(s)
2. Publication Date.	2011-12-13
3. Effective Date.	2011-12-13
4. Review Date.	2017-02-02

5. Primary Strategic Objective.

T5-Enhance work environment to facilitate mission.

6. Authorities:

- 6.1. Title 5 Code of Federal Regulations (CFR) Part 251, Agency Relationships With Organizations Representing Federal Employees and Other Organizations
- 6.2. 28 CFR Part 45, Department of Justice Regulations
- 6.3. Title 18 United States Code (U.S.C.) Section (§) 208
- 6.4. 5 CFR Part 2635, Ethics Standards of Conduct

7. Purpose:

The purpose of this policy directive (PD) is to establish policy for the official recognition and support of Federal Bureau of Investigation Recreation Associations (FBIRA).

8. Policy Statement:

- 8.1. The Federal Bureau of Investigation (FBI) may provide official recognition and support to organizations composed primarily of FBI employees (FBI employee organizations), other than labor organizations, that can provide information, views, and services that will contribute to improved operations, personnel management, and employee effectiveness. FBIRAs are private organizations that, while distinct and separate from the FBI, have been created by employees at FBI Headquarters (FBIHQ) and in field offices (FO) for the social, welfare, and recreational benefit of FBI employees. The FBI may provide official recognition and limited support to FBIRAs, as allowed by regulation and as described in this policy. Such recognition does not imply FBI sponsorship, sanction, endorsement, or acceptance of liability for the actions of any FBIRA or its activities.
- 8.2. Recognition of Federal Bureau of Investigation Recreation Associations
 - 8.2.1. FBIRAs are fundraising organizations that are authorized to operate in FBI offices as outlined in the *FBI Ethics and Integrity Program Policy Directive and Policy Guide* (0754DPG) for the recreational benefit and support of the organization's workplace employees.
 - 8.2.2. Recognition and support of FBIRAs, and revocation of such recognition and support, is at the sole discretion of the designated officials set forth in subsection 11.1. of this PD. Any denial or revocation of recognition or support is not subject to appeal. In order to be recognized as an FBIRA, a recreation association must, at a minimum (see 5 CFR § 251.102):
 - 8.2.2.1. Be a lawful, nonprofit organization whose membership is primarily made up of FBI employees.
 - 8.2.2.2. Be managed by a board of at least three FBI employees.
 - 8.2.2.3. Have a current constitution and bylaws which indicate that it subscribes to minimum standards of fiscal responsibility and employs democratic principles in the nomination and election of officers.
 - 8.2.2.4. Not discriminate in terms of membership or treatment of its members because of race, color, religion, sex, national origin, age, sexual orientation, disability, or status as a parent.

8.2.2.5. Not operate, advocate, assist, or participate in any strike, work stoppage, or slowdown against the United States government (USG), or engage in any protest, political activity or any other such collective activity.

8.3. FBI Management Relationships with Federal Bureau of Investigation Recreation Associations

8.3.1. While FBI employees may be members of FBIRAs, employees who have official responsibilities affecting FBIRAs (such as special agents in charge [SAC], administrative officers, and chief division counsels [CDC]) are generally precluded from acting as officers, board members, or other fiduciaries of the FBIRA unless specifically authorized. (See *FBI Ethics and Integrity Program Policy Directive and Policy Guide* [0754DPG] subsection 4.8.7.2.)

8.3.2. FBI attorneys and CDCs may not provide legal advice to FBIRAs. They may, however, advise FBI management regarding FBIRA operation and issues and may advise FBI employees regarding their ethics responsibilities pertinent to their official FBI positions and duties in accordance with the *FBI Ethics and Integrity Program Policy Directive and Policy Guide* (0754DPG).

8.3.3. The relevant designated officials may assign, as an official responsibility, FBI employees to ensure management control and that basic accepted accounting principles are followed by an approved FBIRA (e.g., an SAC could require the CDC to attend FBIRA board meetings, in his or her official capacity, to observe and advise the SAC if the FBIRA is conducting activities in contravention of law, regulations or policy, or to direct an employee with financial auditing ability to perform an audit of FBIRA financial reports as deemed necessary). Official review of the FBIRA financials or meetings shall be for the purpose of determining if the applicable FBIRA is operating consistent with the interests of the FBI--not to direct its activities.

8.3.4. FBI officials may communicate with FBIRA organizations as representatives of their members, provided that such communications do not take on the character of negotiations or bargaining regarding grievances or conditions of employment.

8.3.5. FBIRAs are organized to raise funds to provide recreational opportunities and to improve the morale of their members. Nothing in this policy, however, authorizes specific FBIRA fundraising activities, as the authority to approve the actual methods for an FBIRA to raise funds is controlled by Section 8 of the *FBI Ethics and Integrity Program Policy Directive and Policy Guide* (0754DPG). Any fundraising activity conducted on federal property by the FBIRA must receive prior authorization from the relevant management official as stated in the *FBI Ethics and Integrity Program Policy Directive and Policy Guide* 0754DPG.

8.3.6. FBIRAs are independent organizations by nature. They may not be used by FBI management as an alternative funding source for activities in support of official events (e.g., management cannot require an FBIRA to buy FBI paraphernalia for FBI officials to hand out to the public, nor pressure the FBIRA to fund a cake or other refreshments at an official award ceremony or FBI conference, but the FBIRA may independently decide to provide such refreshments for the primary benefits of FBIRA members.)

8.4. Support to Federal Bureau of Investigation Recreation Associations

8.4.1. Designated officials may authorize FBIRAs to use the following facilities, services, and resources subject to the availability of funds, work priorities, and other bona fide management and operational considerations, provided that such use involves only negligible or de minimus additional expenses to the FBI (as authorized in 28 CFR Part 45) or that any support provided greater than negligible expense (as authorized in 5 CFR § 251.1020) is accorded proper and reasonable scrutiny. In any event, support may not interfere with or have priority over the conduct of official FBI business.

8.4.1.1. Use of meeting space and incidental storage of organization supplies in FBI spaces

8.4.1.2. Use of bulletin boards, electronic bulletin boards, internal mail, electronic mail, or similar such mechanisms (but excluding penalty mail and services for which the government is charged a fee) for distributing information to FBI employees regarding association activities

8.4.1.3. Temporary use of real property (90 days or less), either owned or leased by the FBI, provided such use is consistent with the mission of the organization

8.4.1.4. Ongoing (more than 90 days) use of real property, either owned or leased by the FBI, provided that the designated official and an authorized officer of the organization enter into a written agreement addressing, at a minimum, the following topics:

8.4.1.4.1. Specific location, size, and description of the property or space

8.4.1.4.2. The planned use of the property

8.4.1.4.3. How the organization will staff any facility located on FBI property, including whether it will use FBI employees and/or volunteers or paid staff

8.4.1.4.4. The time period or duration of property use

8.4.1.4.5. Responsibility for injuries or property damage caused by government activities

8.4.1.4.6. Respective obligations of the organization and the FBI regarding utilities, maintenance, insurance, cleaning, and security of the property

8.4.1.4.7. Description of the services and benefits to be realized by the FBI and its employees from the planned use.

8.4.2 The designated official may expand, limit, or discontinue any and all administrative support of FBIRAs for any management reason.

8.4.3. Because FBIRAs are not federal entities, employees engaged in FBIRA activities are not performing official duties and may not use official time or other resources for such activities except as specifically authorized. Designated officials may grant a limited amount of administrative leave/excused absence to FBI employees who serve as officers or directors of a recognized FBIRA for activities relating to the internal management of the organization (e.g., solicitation of membership, election of officers, planning activities, board meetings, etc.), if deemed beneficial to the FBI. The amount granted may not exceed 2 hours per any single pay period, except as authorized by the assistant director (AD) of the Human Resources Division (HRD) or his or her designee. This authority to grant administrative leave does not extend to participation in recreational activities, such as athletic or social events, sponsored by an FBIRA.

8.5. Restrictions on Federal Bureau of Investigation Recreation Association Activities

8.5.1. FBIRAs operating on federal facilities are subject to the following restrictions, violation of which may result in immediate revocation of recognition and support.

8.5.1.1. Membership in FBIRAs and participation in FBIRA activities must be open to all current FBI employees within the cognizance of the designated official. The designated official may also require that FBIRA membership be open to FBI task force members, detailees, and assignees from other government agencies (OGA). Authorized visitors to the division may also be allowed to temporarily participate in FBIRA activities (e.g., for any FBIRA sales activities or participation in discounted tickets, if allowed by the promotion).

8.5.1.2. Use of the FBI name and initials is restricted by 18 U.S.C. § 709 and by FBI Corporate Policy Directive (CPD) 0625D, *FBI Seal Name Initials and Special Agent Gold Badge*. Use of the FBI's name or initials by an FBIRA can, in some circumstances, create the appearance that the FBIRA's activities are those of the FBI or that it is acting as a representative of the FBI. FBIRAs must therefore take all necessary measures to avoid such confusion or appearances, by, for example, including disclaimers in correspondence or advertisements such as: The [Division] FBIRA is a private employee organization and is not part of the Federal Bureau of Investigation.

8.5.1.3. FBIRAs may not engage in direct sales or fundraising to the public. FBIRA sales and fundraising activities will be limited to FBI employees, detailees, task force members, other government agency and contract personnel assigned to FBI workspaces, and escorted-authorized visitors.

8.5.1.4. This PD does not authorize an FBIRA to use official FBI insignia such as the FBI seal or the special agent gold badge in communications, on merchandise, or in any other manner. See CPD 0625D, *FBI Seal Name Initials and Special Agent Gold Badge*. The Washington Metropolitan FBIRA has been separately authorized by the Director to use the FBI seal, badge, name, and initials on merchandise manufactured for sale by FBIRA organizations to FBI employees, their families, and authorized guests of the Bureau. This authorization does not extend to other FBIRAs. Accordingly, recognized recreation associations must either purchase such items directly from the Washington Metropolitan FBIRA, or from a Metropolitan Washington FBIRA-approved vendor in accordance with procedures established by the Washington Metropolitan FBIRA.

8.5.1.5. FBI management monitors the activities of FBIRAs to ensure that their continued recognition and support is in the best interest of the FBI. FBIRAs must provide account books, financial reports, meeting records, and other available information in a timely manner and comply with any other requests to permit such monitoring.

8.5.1.6. Any service by an employee as an officer, director, employee, or member of an FBIRA must be done in a personal capacity unless official capacity participation is approved in accordance with subsection 4.8.7.3.2. the *FBI Ethics and Integrity Program Policy Directive and Policy Guide* (0754DPG).

In personal-capacity participation, employees make a personal choice to undertake the FBIRA activity rather than being assigned to perform the activity by a supervisor as part of their official duties. The FBI does not control or direct employees in FBIRA activities undertaken in a personal capacity.

8.6. Revocation of Recognition

8.6.1. Designated officials must revoke any previous recognition if an FBIRA fails to meet any of the criteria for recognition set forth in section 8.2. of this PD, unless the designated official determines that the deficiency can be promptly and effectively corrected. Designated officials may revoke any previous recognition if, in the designated official's judgment, continued recognition is not in the best interests of the FBI.

8.7. Recognized FBIRAs may use the letters "FBI" in their title and in their materials (e.g., "New York FBIRA"), so long as they take appropriate precautions necessary to ensure that their activities do not appear to be those of the FBI. FBIRAs may also use the letters "FBI" in their titles while organizing and expeditiously seeking official FBI recognition. If the request is denied, or recognition is revoked, the authority to use the letters "FBI" in the organizational title is also revoked.

9. Scope:

This policy applies to all organizational elements of the FBI.

10. Proponent:

Human Resources Division

11. Roles and Responsibilities:

11.1. Designated officials: The AD, HRD may officially recognize and proscribe the level of support provided any organization composed primarily of FBI employees per 5 CFR Part 251 and 28 CFR Part 45. Pursuant to this authority, the AD, HRD delegates to the following FBI officials the authority to officially recognize qualifying FBIRAs composed primarily of employees from within their respective divisions:

11.1.1. Assistant director in charge (ADIC) for LA, NY, or WFO

11.1.2. SAC for any FO other than LA, NY, or WFO

11.1.3. Legal Attachés (LEGATs)

11.1.4. AD, Criminal Justice Information Services Division (CJIS)

11.1.5. AD, Records Management Division (RMD), for the duty location of Winchester, Virginia

11.1.6. Director, Terrorist Screening Center (TSC) for all FBI units operating in the TSC

11.1.7. AD, Training Division (TD) for the duty location of all FBI units located in Quantico, Virginia

11.2. Designated officials will:

11.2.1. Review requests for recognition within their cognizance and initiate any necessary follow up action in order to determine whether the conditions set forth in this Directive are met and determine if official FBI recognition and support of the organization is warranted.

11.2.2. If the request is approved, notify the organization in writing and keep a copy on file.

11.2.3. Determine the appropriate level of FBI support provided the FBIRA is in accordance with this PD.

11.2.4. Authorize and monitor any fundraising conducted on FBI property to ensure compliance with subsection 8.2.2.1. of the *FBI Ethics and Integrity Program Policy Directive and Policy Guide* (0754DPG).

11.2.5. Annually review the activities of any recognized FBIRA to determine if continued recognition is warranted. The designating official may require recognized FBIRAs to provide any documentation deemed necessary to conduct this review (such as financial statements).

11.2.6. Revoke recognition when required under this PD, or when otherwise deemed warranted.

11.3. The president or duly authorized official of an FBIRA seeking FBI recognition, or an existing recognized FBIRA will:

11.3.1. Submit a copy of the FBIRA's constitution and bylaws, along with a signed request for FBI recognition, to the designated official described in subsection 11.1. of this PD.

11.3.2. Provide any requested information or documentation to the designated official to facilitate the decisions under this policy. Failure to provide requested information may jeopardize recognition of the FBIRA.

11.4. FBI employees serving as an officer, director, or employee of an FBI recreation association must ensure:

11.4.1. That their actions and positions taken while participating in these activities are clearly distinguished as their own and not those of the FBI or Department of Justice (DOJ), unless official capacity participation has been approved;

11.4.2. That their activities do not adversely impact the FBI.

11.4.3. That, when performing their FBI duties, they do not take any official action that would affect the financial interests of the organization (See 18 U.S.C. § 208, and 5 CFR 2635 Subparts D [Conflicting Financial Interests] and E [Impartiality in Performing Official Duties]).

11.4.4. That, if their participation also constitutes outside employment, they meet any applicable requirements of subsection 4.8.5. of the *FBI Ethics and Integrity Program Policy Directive and Policy Guide* (0754DPG).

11.4.5. That they receive division head approval for participation as an officer or director as required by subsection 4.8.7.2. of the *FBI Ethics and Integrity Program Policy Directive and Policy Guide* (0754DPG).

12. Exemptions:

None

13. Supersession:

This policy supersedes the *Manual of Administrative Operations and Procedures* (MAOP), Part I Section 16-3.

14. References, Links, and Forms:

14.1. References

14.1.1. *FBI Ethics and Integrity Program Policy Directive and Policy Guide* (0754DPG)

14.2. Links

14.2.1. Benefits Unit (BU) Intranet site

14.2.2. FBIRA Intranet site

15. Key Words, Definitions, and Acronyms:

15.1. Key Words

15.1.1. Ethics guide

15.1.2. Federal Bureau of Investigation Recreation Association

15.1.3. Gift shop

15.1.4. Recreation association

15.1.5. Recreation association membership

15.2. Definitions

15.2.1. Designated official: means an FBI official who is authorized by this PD to formally recognize FBI recreation associations and to periodically reevaluate whether continuing recognition is warranted.

15.2.2. Federal Bureau of Investigation employee: For purposes of this PD, FBI employee includes federal civilian employees as defined under 5 U.S.C. § 2105, and employees from state and local governments who are detailed to the FBI pursuant to the Intergovernmental Personnel Act or other authority (e.g., task force officers [TFO]).

15.2.3. Federal Bureau of Investigation Recreation Association: a formally established organization made up primarily of FBI employees whose purpose is to promote the social, welfare, and recreational interests of FBI employees and their families.

15.2.4. Labor organization: an organization composed in whole or in part of employees, in which employees participate and pay dues, and which has as a purpose the dealing with an agency concerning grievances and conditions of employment.

15.2.5. Nonprofit organization: an organization chartered for other than profit making purposes. For purposes of this PD, the nonprofit organization must be lawfully organized in accordance with state law. Most states permit nonprofit organizations to be either incorporated or unincorporated, but in either event certain formalities and filing requirements will apply.

15.2.6. Tax exempt organization: Tax exempt means an organization has been granted favorable tax status by the government. Typically, this means the organization is excluded from paying taxes on most forms of income, and contributions to the organization may be deducted for income tax purposes. Organization as a nonprofit does not automatically confer tax exempt status. This involves a separate application to both the Internal Revenue Service and the applicable state tax authority.

15.3. Acronyms

15.3.1. AD: assistant director

15.3.2. ADIC: assistant director in charge

15.3.3. BU: Benefits Unit

15.3.4. CDC: chief division counsel

15.3.5. CFR: Code of Federal Regulations

15.3.6. CJIS: Criminal Justice Information Services Division

15.3.7. CPD: corporate policy directive

15.3.8. DOJ: Department of Justice

15.3.9. FBI: Federal Bureau of Investigation

15.3.10. FBIHQ: Federal Bureau of Investigation Headquarters

15.3.11. FBIRA: Federal Bureau of Investigation Recreation Association

15.3.12. FO: field office

15.3.13. HRD: Human Resources Division

15.3.14. LEGAT: legal attaché

15.3.15. MAOP: *Manual of Administrative Operations and Procedures*

15.3.16. OGA: other government agency

15.3.17. PD: policy directive

15.3.18. RMD: Records Management Division

15.3.19. SAC: special agent in charge

15.3.20. TD: Training Division

15.3.21. TFO: task force officer

15.3.22. TSC: Terrorist Screening Center

15.3.23. U.S.C.: United States Code

15.3.24. USG: United States government

16. Appendices and Attachments:

None

Sponsoring Executive Approval

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